

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LUDALE RANDY JONES,

Petitioner,

v.

DAVID GUNDY, Warden,

Respondent.

Case No. 1:99-CV-518

Hon. Richard Alan Enslen

ORDER

Petitioner Ludale Randy Jones, having been denied habeas relief, has moved for permission to appeal *in forma pauperis*. Both his financial affidavit and prison trust fund account statement attest that he currently lacks funds to pay filing fees and like expenses. The motion is in accordance with federal precedent allowing habeas petitioners to proceed *in forma pauperis* on appeal under the terms of 28 U.S.C. § 1915(a)(1). *See Kincade v. Sparkman*, 117 F.3d 949, 951-52 (6th Cir. 1997); *United States v. Simmonds*, 111 F.3d 737, 741-43 (10th Cir. 1997).

THEREFORE, IT IS HEREBY ORDERED that the Petitioner Ludale Randy Jones' Motion to Proceed *in Forma Pauperis* (Dkt. No. 61) is **GRANTED**.

DATED in Kalamazoo, MI:
June 29, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE